

EXHIBIT D

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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR THE COUNTY OF SNOHOMISH
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11 PACIFIC WATER TECHNOLOGY, LLC,
12 SPRUCE WATERS INVESTMENTS, LLC,
13 INDIANA WATER TECHNOLOGY, LLC,
14 AR WATER SUPPLY, LLC, BLC WATER
COMPANY, LLC, GRANITE STREET
VENTURES, LLC, RUMSON WELLNESS,
LLC,

15 Plaintiffs,

16 v.

17 RYAN R. WEAR and REBECCA A. SWAIN,
18 and the marital community comprised thereof,
19 CREATIVE TECHNOLOGIES, LLC d/b/a
20 WATERSTATION TECHNOLOGY, WST
21 FRANCHISE SYSTEMS, LLC, WATER
22 STATION MANAGEMENT, LLC, KEVIN
23 NOONEY and ELIZABETH NOONEY, and
24 the marital community comprised thereof,
25 REFRESHING USA LLC, SUMMIT
MANAGEMENT SERVICES, LLC, IDEAL
PROPERTY INVESTMENTS, LLC,
REFRESHING CALIFORNIA L.L.C.,
REFRESHING MONTANA, LLC,
REFRESHING MID-ATLANTIC, LLC,
REFRESHING CAROLINAS, LLC,
REFRESHING GREAT LAKES, LLC,
WATERSTATION FINANCE COMPANY,
LLC, REFRESHING GEORGIA, LLC,
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Cause No. 24-2-02887-31

**ORDER GRANTING PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER**

ORDER GRANTING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER - 1

ORIGINAL

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1 CREATIVE TECHNOLOGIES FLORIDA,
2 LLC, REFRESHING FLORIDA, LLC, 2129
3 ANDREA LANE, LLC, 3209 VAN BUREN
4 LLC, ICE & WATER VENDORS, LLC,
5 IDEAL INDUSTRIAL PARK, LLC, IDEAL
6 AZ PROPERTY INVESTMENTS, LLC, K-2
7 ACQUISITION, LLC, EMERY
8 DEVELOPMENT, LLC, ARIZONA WATER
9 VENDORS INCORPORATED, WST AZ
10 PROPERTIES LLC, 1118 VIRGINIA
11 STREET, LLC, 11519 SOUTH PETROPARK,
12 LLC, TCR PLUMBING, LLC, 3422 W
13 CLARENDON AVE LLC, 1206 HEWITT
14 AVE, LLC, WATERSTATION
15 TECHNOLOGY II, LLC, PISTOL, INC.,
16 SMOKEY POINT HOLDINGS, LLC, 602
17 SOUTH MEADOWS, LLC,

Defendants.

18 This matter came before the Court on April 26, 2024, on Plaintiffs' ("Plaintiffs")
19 Expedited Motion for Temporary Restraining Order of Defendants.¹

20 The Court heard oral argument of counsel for Plaintiff. The Court considered the
21 pleadings filed in this action and the following evidence:

- 22 1. The Complaint filed by Plaintiffs;
- 23 2. Plaintiffs' Motion;
- 24 3. Declarations of John Bender, David Schroeder, Dr. Kwansoo Lee, Dr. Brian
25 Chu, Sterling Davis, Tom Anderson, and others, and attached exhibits; and
- 26 4. Respondent's Response to Motion.

Based on the arguments of counsel and the evidence presented, the Court finds:

1. Plaintiffs have a clear legal or equitable right to rescission of their securities transactions with Defendants.

¹ The term "Defendants" in this Order refers to all Defendants with the exception of Kevin Nooney and Elizabeth Nooney, and the marital community comprised thereof ("Nooney Parties").

2. Plaintiffs have a well-grounded fear of immediate invasion of that right if Defendants are not restrained as described below.

3. Plaintiffs will suffer immediate and irreparable injury, loss or damage if the Temporary Restraining Order is not granted in light of the evidence

presented pending a full hearing for injunctive relief.

4. Plaintiffs will be irreparably harmed if a Temporary Restraining Order does not issue enjoining Defendants from ~~using~~ ^① transferring, selling, or otherwise disposing of funds received from Plaintiffs and investors, or property purchased with, commingled with, or related to those funds. The balance of equities warrants injunctive relief.

Based on the above findings,

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Temporary Restraining Order is GRANTED;

2. Defendants in the above-entitled action are hereby enjoined from using, ^① transferring, selling, or otherwise disposing of any funds received directly or indirectly from investors or monies, assets, accounts, or property purchased with, intermingled with, or related to the investors' funds, including but not limited the real property owned by said Defendants, *except in the usual course of business.* *

3. Defendants are hereby enjoined from using, transferring, selling, or otherwise disposing of any intellectual property rights to which Defendants have an interest, *except in the usual course of business.* *

4. ~~U.S. Bank, Bank of America, First Federal Bank, and any other banking institution of Defendants is ordered to freeze all funds in any accounts of Defendants.~~ ^② *business*

5. Defendants shall: *and any banking institution of Defendants* ^③

shall:

a. Preserve all assets currently in their possession or control;

b. Refrain from transferring any assets to any other account or bank

outside the normal course of business or engaging in any restructuring

** Attorney fees are considered a normal business transaction for purposes of this order.*

ORDER GRANTING PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER - 3

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of assets or transfers of title for any purposes without first conferring in good faith with Plaintiffs and, if an agreement is not reached, moving for modification of this TRO;

c. Refrain from making any financial transactions except normal ongoing business expenses that are disclosed in advance to Plaintiffs; and

d. ^{May 6, 2024 Defendants} provide Plaintiffs with a verified inventory of the location of the water stations, organized by serial number and real estate holding currently in their possession or control including their bank account balances.

6. If Defendants wish to engage in a transaction otherwise prohibited by this Order, it shall notify counsel for Plaintiffs and engage in such transaction only with the approval of counsel for Plaintiffs. If Plaintiffs do not consent to a transaction otherwise prohibited by this Order, Defendants may seek permission to engage in such a transaction from this Court on an expedited basis.

7. Plaintiffs may file lis pendens in connection with the properties owned by Defendants;

8. Defendants shall file a certification with this Court, copied to Plaintiffs' counsel, confirming compliance with this Order;

9. Plaintiffs shall post a bond or cash deposit in the amount of \$20,000.00, and

10. A motion to determine whether a preliminary injunction shall be issued will be held on May 7, 2024 at 9:30 a.m/p.m in Courtroom 5a, Snohomish County Superior Court, 3000 Rockefeller Ave, Everett, WA 98201.

IT IS SO ORDERED this 26th day of April, 2024.

Superior Court Judge/Commissioner

1 Presented by:

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3 CORR CRONIN LLP

4 s/ John T. Bender

5 John T. Bender, WSBA NoP. 49658

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8 Seattle, WA 98104-1001

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11 *Counsel for Plaintiffs*